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10 Attorneys for Plaintiff  
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 STEVE LEE DOMINGUEZ,

18 Defendant.

No. CR 22-177-ODW

GOVERNMENT'S OPPOSITION TO  
DEFENDANT'S SECOND *IN CAMERA*  
APPLICATION; DECLARATION OF  
FRANCES S. LEWIS

Hearing Date: Oct. 16, 2023  
Hearing Time: 1:00 p.m.  
Location: Courtroom of the Hon.  
Otis D. Wright II

21 Plaintiff United States of America, by and through its counsel of record, the  
22 United States Attorney for the Central District of California and Assistant United States  
23 Attorneys Frances S. Lewis and Suria M. Bahadue, hereby files the government's  
24 opposition to defendant's second under seal, *in camera* application. (Dkt. 77.)

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1        This opposition is based upon the attached memorandum of points and authorities,  
2 the attached declaration, the files and records in this case, and such further evidence and  
3 argument as the Court may permit.

4        Dated: October 21, 2023

Respectfully submitted,

5        E. MARTIN ESTRADA  
6        United States Attorney

7        MACK E. JENKINS  
8        Assistant United States Attorney  
9        Chief, Criminal Division

10        /s/  
11        FRANCES S. LEWIS  
12        SURIA M. BAHADUE  
13        Assistant United States Attorneys

14        Attorneys for Plaintiff  
15        UNITED STATES OF AMERICA  
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1                                    **MEMORANDUM OF POINTS AND AUTHORITIES**

2            The government objects to defendant Steve Lee Dominguez’s (“defendant’s”) second *in camera* filing seeking undisclosed relief. (Dkt. 77.) On October 20, 2023, after receiving notice of defendant’s filing, the government contacted defense counsel and requested information about the nature of the filing. (Declaration of Frances S. Lewis (“Lewis Decl.”) ¶ 2.) Counsel has not yet responded as of the time of this filing. (*Id.*) Assuming that the request again relates to impermissible trial subpoenas, the government incorporates by reference the entirety of its arguments in opposition to defendant’s first such *in camera* request. (Dkt. 73.) At a minimum, defendant should be required to disclose the portions of his request that do not relate to any specific trial strategy, including, for example, defendant’s *legal* arguments as to (1) why defendant is entitled to use an *in camera, ex parte* process to seek any trial subpoenas, and (2) why defendant is entitled to seek discovery through the Rule 17 trial subpoena process and withhold those materials from the government. By filing the entirety of its request *in camera*, the government has no opportunity to present to the Court any legal deficiencies underlying the basis of defendant’s requests, notwithstanding the fact that defendant is able to review and respond to the government’s law on why such requests are improper.

18            Therefore, the government continues to oppose any *in camera* request by defendant for trial subpoenas on the grounds that such requests are an improper use of the *in camera* process. “Trial strategy” is not an exceptional circumstance for shielding an *entire filing* from the government and the public, as opposed to the portions of a filing that actually disclose sensitive facts. The government further opposes any request for subpoenas that circumvent the rules outlined in Rules 16 and 17. Rule 17(c) is meant to expedite the trial by providing a time and place before trial for the inspection by *both parties* of evidence to be *admitted* at trial. Accordingly, defendant’s *in camera* request should be denied as filed and returned to defendant without consideration.

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**DECLARATION OF FRANCES S. LEWIS**

I, Frances S. Lewis, declare as follows:

1. I am an Assistant United States Attorney in the Central District of California, and I am one of the attorneys assigned to represent the United States in the above-captioned case.

2. On October 20, 2023, I received an electronic notification from PACER that the defendant had filed a Notice of Manual Lodging of an *Ex Parte* Application seeking to file an undisclosed document *in camera*. (Dkt. 77.) My colleague, AUSA Suria Bahadue, then contacted counsel for defendant, Deputy Federal Public Defenders Kate Morris and Ijeoma Eke, by email on October 20, 2023, requesting to know the nature and substance of the document filed *in camera*, including whether it was related to more trial subpoenas. Defense counsel has not responded to that email as of the time of this filing on October 21, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed in Los Angeles, California, on October 21, 2023.

\_\_\_\_\_/s/ Frances S. Lewis \_\_\_\_  
FRANCES S. LEWIS